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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,508	01/29/2007	Sajinder Kaur Luthra	PH0423	5660
36335	7590	02/04/2010	EXAMINER	
GE HEALTHCARE, INC. IP DEPARTMENT 101 CARNEGIE CENTER PRINCETON, NJ 08540-6231			JONES, DAMERON LEVEST	
			ART UNIT	PAPER NUMBER
			1618	
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			02/04/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,508	LUTHRA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	D L. Jones	1618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/13/05 & 12/15/09.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) 2 and 13 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/13/05</u> .                                                | 6) <input type="checkbox"/> Other: _____ .                        |

## **ACKNOWLEDGMENTS**

1. The Examiner acknowledges receipt of the amendment file 12/13/05 wherein the specification and claims 3-8, 10, and 13 were amended.

**Note:** Claims 1-13 are pending.

## **APPLICANT'S INVENTION**

2. Applicant's invention is directed to processes of generating radiolabeled products wherein a solid support, linker, and scavenger moiety are utilized. In addition, the invention has a claim directed to an automated radiosynthesis apparatus/cassette comprising a solid support bound scavenger.

## **RESPONSE TO APPLICANT'S ELECTION**

3. Applicant's election without traverse of Group I (claims 1 and 3-12) in the reply filed on 12/15/09 is acknowledged. Thus, the restriction is deemed proper and is made **FINAL.**

The Examiner also acknowledges Applicant's election of the species of Example 1 wherein the solid support is polystyrene, the linker is a benzyl group, Z is isocyanate, the vector is that set forth in Applicant's response, R1 is CH3, and R\* is 11CH3.

Initially, Applicant's elected species was searched. However, no prior art was found which could be used to reject the claims. Thus, the search was expanded to the species encompassed by the prior art cited below. The search was not further expanded because prior art was found which could be used to reject the claims.

## **WITHDRAWN CLAIMS**

4. Claims 2 and 13 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

## **DOUBLE PATENTING REJECTIONS**

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 5, and 10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-7 of copending Application No. 11/742,687. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to radiolabeled products comprising a solid support, linker and a scavenger group. The claims differ in that those of the copending application are directed to a product while those of the instant invention are directed to a process of purifying a radiolabeled product comprising using a scavenger group-linker-solid support composition. However, the skilled artisan would recognize that the inventions disclose overlapping subject matter because the claims of the copending application (see claim 6, for example) disclose that the intended use of the invention is to prepare a radiolabeled product for use in positron emission tomography chemistry. Hence, the inventions disclose overlapping subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 11/575,158. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to processes of labeling products comprising a solid support, linker and a scavenger group. The claims differ in that those of the copending application are directed to a specific solid support, insulin, and the scavenger group, R1, may be hydrazine or hydrazide. Thus, the skilled artisan would recognize that the inventions disclose overlapping subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/539,169. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to processes of labeling products comprising a solid support, linker and a scavenger group. The claims differ in that those of the copending application are directed to a specific scavenger group called the tracer having Formula (Ab). Thus, the skilled artisan would recognize that the inventions disclose overlapping subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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9. Claims 1 and 8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7,223,891. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to processes of labeling products comprising a solid support, linker and a scavenger group. The claims differ in that those of the patent are directed to a specific scavenger group,  $\text{SO}_2\text{-O-(CH}_2\text{)}_n\text{X}$ . Thus, the skilled artisan would recognize that the inventions disclose overlapping subject matter.

10. Claims 1, 4, and 5 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 10 and 11 of U.S. Patent No. 7,115,249. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to processes of producing labeled products comprising a solid support, linker and a scavenger group. The claims differ in that those of the patent application are directed to a specific scavenger group. Thus, the skilled artisan would recognize that the inventions disclose overlapping subject matter.

11. Claims 1 and 5 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,405,332. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to processes of producing labeled products comprising a solid support, linker and a scavenger group. The claims differ in

that those of the patent application are directed to specific scavenger groups. Thus, the skilled artisan would recognize that the inventions disclose overlapping subject matter.

**112 First Paragraph Rejections (Written Description)**

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 4-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant is reminded that an Inventor is entitled to a patent to protect his work only if he/she produces or has possession of something truly new and novel. The invention being claimed must be sufficiently concrete so that it can be described for the world to appreciate the specific nature of the work that sets it apart from what was before. The Inventor must be able to describe the item to be patented with such clarity that the Reader is assured that the Inventor actually has possession and knowledge of the unique composition that makes it worthy of patent protection. The instant application does not sufficiently describe the invention as it relates to the vectors and Z-SP combinations that are compatible with the instant invention, specifically, Formula IV. What the Reader gathers from the instant application is a desire/plan/first step for

obtaining a desired result. While the Reader can certainly appreciate the desire for achieving a certain end result, establishing goals does not necessarily mean that an invention has been adequately described.

While compliance with the written description requirements must be determined on a case-by-case basis, the real issue here is simply whether an adequate description is necessary to practice an invention described only in terms of its function and/or based on a disclosure wherein a description of the components necessary in order for the invention to function are lacking. In order to satisfy the written description requirement, the specification must describe every element of the claimed invention in sufficient detail so that one of ordinary skill in the art would recognize that the Inventor possessed the claimed invention at the time of filing. In other words, the specification should describe an invention and does so in sufficient detail that one skilled in the art can clearly conclude that the Inventor created what is the claimed. Thus, the written description requirement is lacking in the instant invention since the various terms as set forth above are not described in a manner to clearly allow persons of ordinary skill in the art to recognize that Applicant invented what is being claimed.

#### **112 First Paragraph Rejections (Essential Steps Omitted)**

14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 1 and 3-12 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The actual process steps involved in the process are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

The steps stating how the solid support bound scavenger group of Formula IV is used are not present in the claim. Thus, one cannot ascertain what process steps are being followed. The claims simply states that the process of purifying a radiolabeled product comprises using a solid support bound scavenger group of Formula IV, But does not disclose specific steps of carrying out the method. In regards to the steps disclosed in claims 3-12, it is unclear if the steps appearing in claims 4-12 are the steps missing from independent claim 1 or if they are additional steps necessary in the claim.

#### **112 First Paragraph Rejections (Scope of Enablement)**

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 1 and 4-12 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for Z (scavenger group) selected from the group consisting of isocyanate, isothiocyanate, thiol, hydrazine, hydrazide, aminoxy, 1,3-dipole, aldehyde, or ketone, does not reasonably provide enablement for all scavenger groups. The specification does not enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

There are several guidelines when determining if the specification of an application allows the skilled artisan to practice the invention without undue experimentation. The factors to be considered in determining what constitutes undue experimentation were affirmed by the court in *In re Wands* (8 USPQ2d 1400 (CAFC 1986)). These factors are (1) nature of the invention; (2) state of the prior art; (3) level of one of ordinary skill in the art; (4) level of predictability in the art; (5) amount of direction and guidance provided by the inventor; (6) existence of working examples; (7) breadth of claims; and (8) quantity of experimentation needed to make or use the invention based on the content of the disclosure.

**(1) Nature of the invention**

The elected invention is directed to a process of purifying a radiolabeled product of Formula IV.

**(2) State of the prior art**

The prior art does not disclose all the possible scavenger groups that may be used in with Formula IV in order to obtain Applicant's desired results.

**(3) Level of one of ordinary skill in the art**

The level of one of ordinary skill in the art is high. Independent claim 1 encompasses a vast number of possible scavenger groups. Applicant's specification does not enable the public to make or use such a vast number of possible scavengers to be used in combination with all possible linker and solid supports.

(4) Level of predictability in the art

The art pertaining to the scavenger groups is highly unpredictable. Determining the various types of scavengers or class of scavengers that are compatible with the instant invention requires various experimental procedures wherein without guidance that is applicable to all scavenger groups, there would be little predictability in performing the claimed invention.

(5) Amount of direction and guidance provided by the inventor

Independent claim 1 encompasses a vast number of scavenger groups. Applicant's limited guidance does not enable the public to prepare such a numerous amount of scavenger-linker-solid support combination. There is no directional guidance for other possible scavenger groups for Formula IV except of isocyanate, isothiocyanate, thiol, hydrazine, hydrazide, aminoxy, 1,3-dipole, aldehyde, or ketone (see paragraph [0012] in US 2007/0148647, Applicant's published application).

(6) Breadth of claims

The claims are extremely broad due to the vast number of possible scavenger groups known to exist.

(7) Quantity of experimentation needed to make or use the invention based on the content of the disclosure

The specification does not enable any person skilled in the art to which it pertains to make or use the invention commensurate in scope with the claims. In particular, the specification fails to enable the skilled artisan to practice the invention without undue experimentation. Furthermore, based on the unpredictable nature of the invention, the

state of the prior art, and the extreme breadth of the claims, one skilled in the art could not perform the claimed invention without undue experimentation.

**112 Second Paragraph Rejections**

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claims 1 and 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the specific steps necessary in purifying the radiolabeled product.

Claims 1 and 4-12: The claims as written are ambiguous because it is unclear what scavenger group (Z) Applicant is claiming that is compatible with the claims. Please clarify in order that one may ascertain what is being claimed.

Claims 1 and 4-12: The claims as written are ambiguous because it is unclear whether or not the steps listed in claims 4-12 are in addition to the ones that should be in independent claim 1 or if they are the actual steps of claim 1. Please clarify in order that one may readily ascertain what is being claimed.

Claims 1 and 3-12: The claims as written are ambiguous because it is unclear which Z-SP combination(s) are compatible with the instant invention that will yield the results desired by Applicant.

Claims 4-10: The claims as written are ambiguous because it is unclear what vector(s) Applicant is claiming that is/are compatible with the instant invention.

## 102 REJECTIONS

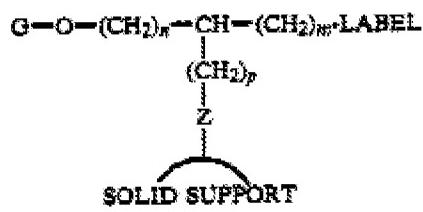
20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fino (US Patent No. 5,290,925).

Fino disclose method, kits, and reactive supports for labeling oligonucleotides (see entire document, especially, abstract). In a preferred embodiment, the reactive support comprises a label moiety covalently bonded via a stable bond to a trifunctional spacer containing the hydroxyl group to form a labeled spacer complex. The labeled trifunctional spacer complex is covalently bonded to a solid support via a cleavable



bond. Thus, in the structure

wherein Z is the linking

group and  $\text{O}=\text{O}-(\text{CH}_2)_x-\underset{(\text{CH}_2)_y}{\text{CH}}-(\text{CH}_2)_z-\text{LABEL}$  is the scavenger group (column 2, lines 42-50). In another preferred embodiment, a process of preparing a reactive support having a label and a hydroxyl group is prepared of synthesizing a labeled oligonucleotide (column 2-3, bridging paragraph). Hence, both Applicant and Fino disclose a process of purifying a radiolabeled product which comprises use of a solid support bound scavenger group of Formula IV.

## 103 REJECTIONS

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Luthra et al (US Patent No. 7,115,249).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

**Luthra et al** disclose solid phase electrophilic fluorination. In particular, their process involves the preparation of 18F-labeled 6-L-fluorodopa (see entire document, especially, abstract; and claims 1-8, 10, and 11). The inventions are not distinct from each other because both sets of claims are directed to processes of producing labeled products comprising a solid support, linker and a scavenger group. The claims differ in that those of the patent are directed to a specific scavenger group. However, the skilled artisan would recognize that since the instant invention is not limited to any particular scavenger groups, the instant invention encompasses the patented invention. Thus the inventions disclose overlapping subject matter.

26. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Brady et al (US Patent No. 7,405,332).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the

application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

**Brady et al** disclose a process for producing a radiolabeled product (see entire document, especially, abstract and claims 1-13). The inventions are not distinct from each other because both sets of claims are directed to processes of producing labeled products comprising a solid support, linker and a scavenger group. The claims differ in that those of the patent are directed to a specific scavenger group. However, the skilled artisan would recognize that since the instant invention is not limited to any particular scavenger groups, the instant invention encompasses the patented invention. Thus the inventions disclose overlapping subject matter.

## PRIORITY DOCUMENT

27. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

## COMMENTS/NOTES

28. Applicant is respectfully requested to rewrite the title of the invention so that it is more descriptive of the instant invention and one will readily know what is being claimed.

29. The Examiner is aware of numerous applications with similar subject matter. However, while every effort has been made to review all applications containing overlapping subject matter, some applications may have been missed. Thus, Applicant is respectfully requested to submit all serial numbers of applications containing overlapping subject matter for review by the Examiner.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D L. Jones whose telephone number is (571)272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D L. Jones/  
Primary Examiner  
Art Unit 1618

February 1, 2010